



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
1333 ISAAC HULL AVENUE  
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2018-004697F  
March 15, 2018

Mr. John Salak  
Primacy Engineering, Inc.  
7933 McClevey Road  
Panama City, FL 32408

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY 2018-004697

Dear Mr. Salak:

This is a final response to the January 26, 2018, Freedom of Information Act (FOIA) request forwarded to this office for processing by the Amphibious Warfare Program Office (PMS377), for technical documentation that supports the LCAC C4N system as described in your request.

We conducted an extensive search of Headquarters files, specifically those located within the Program Executive Office SHIPS, PMS377, Landing Craft Division. Following that search and subsequent we learned that the all the LCAC technical data you seek, qualifies as technical data that is covered by the Arms Export Control Act, Part 121 - The United States Munition List, Category VI paragraph (b)(1).

As such, I am denying the release of the LCAC technical data under exemption (b)(3). Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. § 130 and the DoD implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the DoD, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope, "Freedom of Information Act Appeal." Mail the original to the Department of the Navy, Office of the General Counsel, Attn: FOIA APPEALS, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Please mail a copy of the appeal to:

Commander  
Naval Sea Systems Command (SEA 00A5)  
1333 Isaac Hull Ave SE  
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

Chief of Naval Operations (DNS-36)  
Attn: FOIA/PA Service Center  
C/O - Head, SECNAV/CNO FOIA/PA Program Office  
2000 Navy Pentagon  
Washington, DC 20350-2000

Fees for processing your request were below the threshold for requiring payment; however, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

In an effort to assist you with obtaining a copy of the LCAC technical data, knowledgeable with PMS377 advised this office that in order to obtain access to such technical data to support foreign countries requiring the use of the LCAC technical data package, it must be done so under an FMS case. That office recommended the host nation submit a Letter of Request (LOR) to the Navy International Programs Office (NAVIPO) to begin the process to obtain access of the requested information.

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,



JAVIER MARTINEZ  
Initial Denial Authority